

(PCT Article 36 and Rule 70)

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012832

Box No. I

Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1, 4-9 as originally filed/furnished
- pages\* 2, 3, 3a received by this Authority on /filed with the demand
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- nos. \_\_\_\_\_ as originally filed/furnished
- nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19
- nos.\* 1-10 received by this Authority on /filed with the demand
- nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- sheets 1/3-3/3 as originally filed/furnished
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012832

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																					
1. Statement	<table><tbody><tr><td rowspan="2">Novelty (N)</td><td>Claims</td><td><u>1-10</u></td><td>YES</td></tr><tr><td>Claims</td><td></td><td>NO</td></tr><tr><td rowspan="2">Inventive step (IS)</td><td>Claims</td><td><u>1-10</u></td><td>YES</td></tr><tr><td>Claims</td><td></td><td>NO</td></tr><tr><td rowspan="2">Industrial applicability (IA)</td><td>Claims</td><td><u>1-10</u></td><td>YES</td></tr><tr><td>Claims</td><td></td><td>NO</td></tr></tbody></table>	Novelty (N)	Claims	<u>1-10</u>	YES	Claims		NO	Inventive step (IS)	Claims	<u>1-10</u>	YES	Claims		NO	Industrial applicability (IA)	Claims	<u>1-10</u>	YES	Claims		NO
Novelty (N)	Claims		<u>1-10</u>	YES																		
	Claims		NO																			
Inventive step (IS)	Claims	<u>1-10</u>	YES																			
	Claims		NO																			
Industrial applicability (IA)	Claims	<u>1-10</u>	YES																			
	Claims		NO																			
2. Citations and explanations (Rule 70.7)	<p>This report makes reference to the following document(s) :</p> <p>D1: DE2853621A</p> <p>D2: US6520565A</p> <p>D3: EP1164073A</p> <p>D1 and D2 are regarded as the prior art closest to the subject matter of claim 1.</p> <p>D1 discloses (the reference signs in parentheses refer to D1):</p> <p>a driver's cab supporting structure for a utility vehicle, a safety cell being arranged in a driver's cab (3) with a front area and a rear side facing the cargo hold, and a sitting area (1) being surrounded by a rigid safety cell (4) to which a deformation area (8) for absorbing deformation energy connects between the sitting area (1) and the cargo hold.</p> <p>D2 likewise discloses (the reference signs in parentheses refer to D2):</p> <p>a driver's cab supporting structure for a</p>																					

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
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utility vehicle, a safety cell being arranged in a driver's cab (3) with a front area and a rear side facing the cargo hold, and a sitting area being surrounded by a rigid safety cell (4) to which a deformation area (5; cf. column 4, lines 28-32) for absorbing deformation energy connects between the sitting area and the cargo hold.

The subject matter of claim 1 differs from these known structures in that the safety cell is cage-like and a portion of the longitudinal support behind the sitting area is embodied as a deformation area.

The first feature can be rendered obvious by the prior art, because a person skilled in the art already knows that a cage-like structure for a safety cell is advantageous, since, in the event of a collision, it largely maintains its original shape (cf. D3, for example).

In contrast, the second feature is not rendered obvious by the prior art, because none of the cited documents shows a longitudinal support with a deformation area.

Claims 2-10 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.

**Box No. VIII**      **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 1 lacks clarity because the longitudinal support mentioned in the characterizing part is not defined. Therefore it cannot be determined whether this longitudinal support belongs to the safety cell or whether it is part of the utility vehicle chassis. In order for the longitudinal support to fulfill its function, the driver's cab support structure has to have the following features that are essential for the definition of the invention:

- the driver's cab is positioned on a driver's cab support surface and
- the safety cell is embodied such that the longitudinal support is displaceable in relation to a vehicle frame.

Since independent claim 1 does not contain these features, it does not meet the requirements of PCT Article 6 in conjunction with PCT Rule 6.3(b) that every independent claim shall contain all of the technical features essential for the definition of the invention. The features should be placed in the preamble of claim 1, since they are known from D2.